

Serial No. 10/754,179

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REMARKS:

Claims 1-18 are pending.

The Examiner has rejected claims 1-4, 7-8, 10-13, and 18 under 35 U.S.C. 102(b) as being anticipated by Japanese Patent No. 9-266748. The Japanese patent relates to a bird repelling apparatus that consists of "a set of triangular polygonal mirrors (15) are fixed along a rotating shaft with a base metal (16) supporting the mirror and the suspension rod" (Abstract, emphasis added).

In contrast, every independent claim of the present invention recites "two quadrilateral planar members joined together along a single horizontal edge so as to form an upside down v-shaped member." As mirrors (15) are clearly shown and described to be "triangular," there are no quadrilateral planar members forming an upside down v-shaped member in the cited reference. Moreover, while each triangular member in the Japanese patent is joined together along a single vertical edge, none are joined together along a single horizontal edge. Instead, the top of each triangular member is joined to element (18), which is a separate quadrilateral component (see Figs. 1 and 2).

Secondly, every independent claim of the present invention recites "a support member connecting said structure and an interior surface of said upside down v-shaped member in spaced-apart relation, wherein a light-trapping cavity is formed between the interior surface of said upside down v-shaped member and said support member." Turning to Figs. 1 and 2 of the

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Japanese patent, it is clear that the rotating magnetic shaft (6) is connected to support member 14, which in turn covers the bottom of the triangular mirror arrangement except for the space needed to mount the arrangement on the rod (17). Accordingly, there is no light trapping cavity defined by the interior surface of the upside down v-shaped member and the support member because there appears to be no opening through which light entry to the interior of the triangular mirrors occurs.

The Examiner also rejected claims 5, 6, 9, 14, and 15 under 35 U.S.C. 103(a) as being obvious over the Japanese patent in view of Dahl (U.S. Patent No. 4,144,832), Hubbard (U.S. Patent No. 4,243,018), or Davis (697,072). Because the Japanese patent completely lacks at least three limitations recited in the applicant's independent claims, all claims depending therefrom are also believed to be distinguished over the cited art. Nor would there be any motivation to one skilled in the art to modify the Japanese patent in view of Dahl, Hubbard, or Davis to arrive at the present invention because the Japanese patent does not disclose or suggest quadrilateral members joined at a single edge to form an upside down v-shaped member that further defines a light-trapping cavity between the support member and the interior surface of the upside down v-shaped member.

In view of the foregoing, the applicant respectfully requests that the Examiner reconsider the rejection of the pending claims.

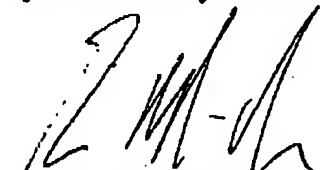
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No fee is believed to be due with this amendment. Please charge any unforeseen costs to our
Deposit Account No. 17-0055.

Respectfully submitted,

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